

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EMMANUEL S ATANGANA,

Plaintiff,

VS.

CALALLEN INDEPENDENT SCHOOL
DISTRICT,

Defendant.

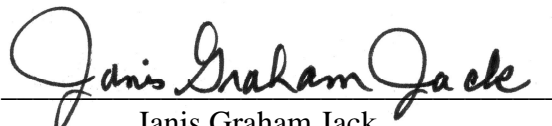
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CIVIL ACTION NO. C-10-320

ORDER

Pending before the Court is Defendant Patrick Romero's 12(b)(6) Motion to Dismiss. (D.E. 4.) On November 9, 2010, Defendant Romero filed a motion to dismiss Plaintiff Emmanuel Atangana's employment discrimination complaint on the ground that Romero did not qualify as an "employer" who can be liable under Title VII. (D.E. 4, p. 2.) On November 18, 2010, the Court ordered that Plaintiff had until November 24, 2010 to amend his pleading to sue the proper entity. (D.E. 6.) On November 24, 2010, Plaintiff filed an amended complaint against Calallen Independent School District, and removing Romero as a defendant. (D.E. 10.) "An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading." King v. Dogan, 31 F.3d 344, 346 (5th Cir. 1994). Accordingly, the Court DENIES AS MOOT Defendant's 12(b)(6) Motion to Dismiss without prejudice. (D.E. 4.)

SIGNED and ORDERED this 29th day of November, 2010.


Janis Graham Jack
United States District Judge